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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/835,663

04/16/2001

Joel M. Wein

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05/01/2006

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EXAMINER

CHANG, JULIAN

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/835,663	<b>Applicant(s)</b> WEIN ET AL.	
	<b>Examiner</b> Julian Chang	<b>Art Unit</b> 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 17-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action is responsive to Applicant's amendment filed on 02/21/06.

Claims 17-39 are pending, and has been rejected as cited below.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 17-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al. (hereinafter Gupta), US 2003/0196164 in view of Shobatake et al. (hereinafter Shobatake), US 6,654,607.

4. Gupta and Shobatake have been cited for claims' rejection in the previous office action; the citations, which are applicable for rejection, are hereby incorporated by reference.

### ***Response to Arguments***

5. Applicant's arguments filed 02/21/06 have been fully considered but they are not persuasive. In the remark applicant argued in substance that:

- a) "the annotation system described in Gupta et al. is not a content delivery network comprising a set of content servers".

In response to applicant's argument, the system of Gupta delivers and renders multimedia content and is indeed a content delivery network ('users being presented with any of the versions of the multimedia content', [0011]). Moreover, the annotation server of Gupta can be interpreted as a set of content servers. In the broadest reasonable interpretation, a set of content servers can be simply one server. The definition of a set doesn't necessarily define a plurality of objects. In set theory, there is even a notion of an empty set, which is a set that contains no objects.

- b) "there is no disclosure or suggestion in Gupta et al to use a distributed set of annotation servers".

In response to applicant's argument, applicant's argument does not commensurate with the claim, i.e., claims do not require "a distributed set of annotation servers".

- c) in regards to claims 17 and 33, the prior art Gupta fails to meet the limitation "the metadata for a given piece of content be communicated to the set of content servers".

In response to applicant's argument, Gupta teaches that the annotation server (i.e., set of content servers) receives metadata (control information) corresponding to the annotation content. (See Gupta [0047]).

- d) in regards to claims 19-21, 26-27, 32, and 34-35, "because Gupta et al do not have multiple annotation servers and no need to communicate annotation meta data anywhere, they also fail to meet the limitations in the independent claims..."

In response to applicant's argument, since the limitation "multiple annotation servers" in the premise of the argument does not commensurate with the claims, and thus not required by the claims, applicant's argument is considered moot.

- e) in regards to claims 17, 25, and 33, the prior art Gupta does not teach the "given content control requirement specified in the metadata be applied at the given content server".

In response, Gupta teaches the application of a control requirement specified in the metadata ('meta data (control information)', [0047]) at the given content server prior to serving the piece of content ('annotation server 10 of FIG. 3 supports read and write access controls, allowing the creator of the set to identify which users are able to read and/or write to the annotation set', [0090]). Since the control information is sent to the annotation server via the metadata, the control information in the metadata is used to control access to the content of the annotation server. In regards to applicant's argument that "a content server" be "selected or

identified from a set of content servers”, the limitation does not commensurate with the claims, and is thus not required by the claims.

- f) in regards to claim 21, “email is not an extranet application”.

In response to applicant’s argument, it is commonly known that an extranet is an extension of a corporate intranet using WWW technology to facilitate communication with the corporation’s suppliers and customers (Microsoft Computer Dictionary, Fifth Edition). Since email facilitates communication on all types of networks (intranet, extranet, Internet, LAN, WAN, etc.), it falls into the definition of an extranet application.

- g) in regards to claim 21, the prior Gupta does not meet the limitation “using an extranet application, such as a secure content provider customer portal, to generate a configuration file, which is then communicated to a set of content servers”.

In response to applicant’s argument, Claim 21 is only directed to the limitation of provisioning a configuration file via an extranet application. Applicant is equating provisioning with generating. However, in the broadest reasonable sense, provisioning can be interpreted as sending.

In response to applicant’s argument that the system of Gupta does not teach the communication of metadata, it is clearly stated in Gupta that the annotation server receives metadata (‘Received meta data (control

information)', [0047]), therefore metadata is communicated to the annotation server.

- h) in regards to claim 22, "there is nothing in Gupta et al. ... that indicates some authentication or access control method applied at the annotation server itself".

In response to applicant's argument, states in paragraph [0090] that an annotation server supports read and write access controls (i.e., access control method).

- i) in regards to claims 23-24, "cited references do not distinguish in any way the metadata as "request" or "response" metadata.

In response to applicant's argument, it is taught in paragraph [0091] of Gupta that the annotation server supports read (i.e., request) and write (i.e., response) access controls. Since the control information is fed to the annotation server via metadata ('Received meta data (control information)', [0047]), Gupta teaches the communication of request and response metadata components.

- j) "Shobatake et al. is non-analogous art".

In response to applicant's argument that Shobatake is nonanalogous art, it has been held that a prior art reference must either be

in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Shobatake relates to the unification of various mobile communications protocols. In particular, Shobatake teaches the unification of DHCP/DNS, and the SIP protocol. Since the SIP protocol is a well-known IETF (Internet Engineering Task Force) standard for initiating interactive communication sessions between users, including voice, video, chat, interactive games, and virtual reality, Shobatake is very much analogous art.

- k) the prior art Shobatake does "not disclose Internet domain name service (DNS) functionality.

In response to applicant's argument, it is shown in Fig. 3 that the system of Shobatake includes a DHCP/DNS server.

- l) the prior art Shobatake does "not disclose ... having a content provider associate a content provider domain or subdomain with a domain managed by a content delivery network service provider or using that domain to resolve something else, namely, a client query to the content provider domain or subdomain"



In response to applicant's argument, Shobatake teaches the ability to translate addresses from one protocol to another protocol across platforms (Col. 4, lines 11-22). For the system of Shobatake to be capable of translating addresses over different protocols and different platforms, there must exist an association between the different domains of the different platforms. This association is apparent in the association of each MMGW with the alias databases (Col. 5, lines 34-57). Through such association between the different platforms, a client query can be resolved via the information available in the alias databases (Col. 5, lines 34-57).

- m) Shobatake "cannot be combined with Gupta et al. absent some express teaching, suggestion or motivation to select the teachings of the separate references and combine them to produce the claimed combination.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Gupta relates to delivering and rendering multimedia content in a network environment (i.e., a content delivery network). (See Gupta [0002]), while Shobatake relates to the unification (i.e., combining) of a multimedia protocol (i.e., SIP), and a client-server networking protocol (i.e., DHCP/DNS), it would have been apparent to the person of ordinary skill in the art at the time of the invention to combine teachings of Gupta and Shobatake because user terminals querying a content provider domain with a domain managed by a content delivery network service provider as taught by Shobatake would enhance the capabilities of Gupta by allowing for handling of communications in a unified manner.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. US 6,226,618 – Electronic Content Delivery System.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 2152

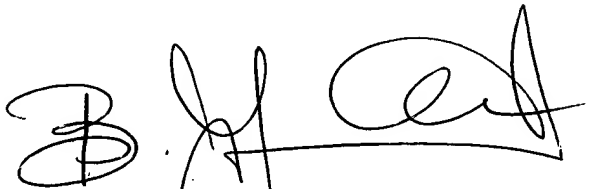
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian Chang whose telephone number is (571) 272-8631. The examiner can normally be reached on Monday thru Friday 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**BUNJOB JAROENCHONWANIT**  
**SUPERVISORY PATENT EXAMINER**